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DATE MAILED: 11/17/2004

APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/811,289	1,289 03/25/2004		Satoshi Sugimoto	1018.1204101	2191	
28075	7590	11/17/2004		EXAMINER		
		ER & TUFTE, LL	FRIEDHOFER, MICHAEL A			
1221 NICOI SUITE 800	LET AVE	NUE	ART UNIT	PAPER NUMBER		
	LIS, MN	55403-2420	2832			

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on		Application No.	Applicant(s)					
Michael A. Friedhofer  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than they (30) days, are apply within the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above is less than they (30) days, are play villaged and the tox communication.  If the period for reply specified above is less than they (30) days, are play villaged and the communication.  If the period for reply specified above is less than they (30) days, are play villaged and the communication.  If the period for reply specified above is less than they (30) days, are play villaged and the state of the state of the communication.  If the period for reply specified above is less than they day days and the state of the stat	Office Action Summers	10/811,289	SUGIMOTO ET AL.					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.356(). In no event, however, may a reply be timely filled  If the period from phy specified above, the maximum stealutory prointed will apply and will expire 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated provided in page 35 (6) MONTHS from the maximum delated of this communication, never it linearly field, may retrieve any secretary plant term adjustment. See 37 CFR 1.704(6).  Status  1) Responsive to communication(s) filled on								
THE MAILING DATE OF THIS COMMUNICATION.  Eleterions of time may be waited under the provisions of 37 CPR 1.316(b). In no event, however, may a raph be timely filed after SIX (6) MONTHS from the mailing date of this communication.  Follows (7) MONTHS from the mailing date of this communication.  Follows (8) MONTHS from the mailing date of this communication.  Follows (8) MONTHS from the mailing date of this communication.  Follows (9) MONTHS from the mailing date of this communication.  Follows (1) MONTHS from the mailing date of this communication.  Follows (1) MONTHS from the mailing date of this communication.  Follows (1) MONTHS from the mailing date of this communication.  Follows (1) MONTHS from the mailing date of this communication, even it timely filed, may reduce any careful principles.  Any reply received by the Officia letter than three months after the mailing date of this communication, even it timely filed, may reduce any careful principles.  This action is FINAL.  2(b) This action is FINAL.  2(c) This action is FINAL.  2(c) This action is FINAL.  2(c) This action is filed on								
1)  Responsive to communication(s) filed on	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>							
2a)  This action is FINAL.  2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-12   Slare pending in the application.  4a) Of the above claim(s) islare withdrawn from consideration.  5)  Claim(s) 11   Slare allowed.  6)  Claim(s) 1-17-10 and 12   Slare rejected.  7)  Claim(s) 5 and 6   Slare objected to.  8)  Claim(s) 5 and 6   Slare objected to.  8)  Claim(s)  are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10  The drawing(s) filed on  islare: a)  accepted or b)  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:	Status							
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Art Unit: 2832

#### **DETAILED ACTION**

# Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6 "and/or" is an improper form of the alternative making the claim indefinite.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1, 2, 4, 7-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee '716.

Lee '716 discloses in figures 1-5 a switch device operable in two steps for operating a vehicle window including a first switch and a second switch formed by traces 14 and domes 16; a button 40, inclinable in a first direction and a second direction, for activating the first and second switches; and a pusher 26 arranged between the button and the first and second switches and being movable when the button is pushed. Inclination of the button in the first direction to the first operation position moves the pusher to solely activate the first switch.

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Further inclination of the button in the first direction to the second operation position moves the pusher to activate the second switch in addition to the first switch. Inclination of the button in the second direction to the third operation position moves the pusher to solely activate the second switch. Further inclination of the button in the second direction to the fourth operation position moves the pusher to activate the first switch in addition to the second switch. The pusher includes first and second switch operators 34 facing towards the first and second switches for activating their respective switches. The button includes first and second pushing portions 54 and 56 located at the top of the pusher in correspondence with the first and second switches. The load required for activating the first switch is substantially equal to the load required for activating the second switch. The first and second domes 16 have substantially the same shape and size. The pusher has a shape that is substantially symmetrical about its centerline and the first and second pushing portions of the button push the pusher at positions equally spaced from the centerline of the pusher.

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### Allowable Subject Matter

- 4. Claim 11 is allowed.
- 5. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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6. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee '361, Kossakowski, Geppert et al, Rudolph et al, Hoang et al, and Komatsu et al teach various switch devices operable in two steps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michael A. Friedhofer Primary Examiner Art Unit 2832